



BLIGHTED PROPERTY REVIEW COMMITTEE

THURSDAY, MAY 21, 2009

CITY COUNCIL OFFICE

6:00 p.m.

AGENDA

- I. Call to Order**
- II. Public Comment**
- III. Approval of the Agenda & April 2009 Minutes**
- IV. Review & Approve Hearing Procedures (attached)**
- V. Update POM Reception**
- VI. Update on Target Properties**

- **List**

- 15 N 5th St
 - 437 Penn St
 - 431 Penn St
 - 530 Penn St
 - 532 Penn St
 - 212 S 8th St
 - 301 Buttonwood St
 - 644 N Front St
 - 628 N Front
 - 317 Schuylkill Ave
 - 118 W. Elm St
 - 343 McKnight St
 - 360 McKnight St
 - 157 N Front St
 - 200 N Front St
 - 210 N Front St

328 Pear St
217 N 2nd St
228 N 2nd St
363 N 2nd St
127 Walnut St
129 Walnut St
153 Walnut St

- **Letter of Determination to 530-532 Penn Street**
- **Progress report on rehab of 155 Walnut**

VII. Report - Research Federal & State Urban Development Law and compare to local enabling ordinance – C. Younger

VIII. Review Draft Partnership Agreements – C. Younger

- **Ability of BPRC to enter into partnership agreements**

X. Committee Reports

Codes

Education

Research

Grants

XI. Other Matters

Blighted Property Review Committee

Thursday, April 16, 2009

Meeting Report

Committee Members Attending: L. Olsen, M. Candelario, D. Luckey, W. Bealer

Others Attending: M. Mayes, L. Kelleher, D. Wright, J. Kromer, K. Pick, M. Mayfield, V. Spencer

Mr. Olsen called the meeting to order at 6:06 p.m. He announced that a quorum was present.

Public Comment

No one offered public comment

Agenda and Minutes

Mr. Olsen asked the Committee to review the agenda for this meeting and the minutes from the March meeting.

Mr. Luckey stated, with regards to a statement made in the March minutes, that he has not had any prior dealings with NHS. He stated that his remark was based on the need for every partner to have sufficient funding in place to undertake rehabilitation projects.

Mr. Luckey moved, seconded by Mr. Candelario, to approve the agenda for this meeting and the minutes from the March meeting.

Hearing Procedures

Mr. Olsen called the Committee's attention to the hearing procedures attached to the agenda. Ms. Kelleher stated that these procedures were drafted shortly after the Committee began to meet. She noted the need for the Committee to review these procedures in preparation for the Determination Hearing. Mr. Olsen asked the Committee to review the procedures and be prepared to discuss and approve them at the May meeting.

POM Areas

Mr. Olsen stated that the Committee needs to begin discussing the placement of POM areas. Ms. Kelleher suggested placing a POM area in each Council District, with focus on the gateway or main roads.

Mr. Bealer inquired about selecting areas in Historic Districts. Ms. Kelleher stated that as the Historic Districts have facade grants and a recognition program each May during Historic

Preservation Month, the Committee should consider selecting POM areas outside the historic districts.

After considerable discussion and review of a City map the Committee selected the following POM areas:

- Council District 1 - Park Avenue to Lancaster Avenue - Noble Street to the Lancaster Avenue Bridge.
- Council District 2 - Chestnut Street to South 16th Street - Cotton Street to the Haak Street
- Council District 3 - Oley Street to Walnut Street - North 13th Street to North 10th Street
- Council District 4 - Windsor Street to Perry Street - North 13th Street to North 10th Street
- Council District 5 - Schuylkill Avenue to city-line - West Douglass St to city-line
- Council District 6 - Washington St to West Greenwich Street - Schuylkill Avenue to North 4th Street

Update on Target Properties

Mr. Mayes and Mr. Wright distributed an April 14th memorandum from the Chief Building Inspector providing an update on the target properties. Eight of the target properties have requested additional time for rehabilitation and eight properties will receive determination letters.

There was a discussion on the contents of the letter. The letter was deemed legally sound.

Mr. Mayes and Mr. Wright distributed a list of the Determination sheets for the properties receiving letters.

Ms. Kelleher noted the long standing problem and delays with the rehabilitation of 530-532 Penn Street. She stated that these properties have been vacant for approximately 15-20 years. She stated that the memo notes a lawsuit started in 2004. She suggested pushing forward with the Determination Letter. Ms. Mayfield suggested allowing the lawsuit to run its course, as it is unknown how the lawsuit will affect the Blighted Property process. Mr. Mayes suggested providing 530-532 Penn with 30 additional days then moving forward with the Determination Letter. He stated that this process may finally move the owner into taking positive action. He noted the number of people who have requested that the City take action on this property.

Draft Partnership Agreements

Ms. Mayfield reported that the agreements have not been prepared. Mr. Bealer noted that Allentown uses a gentleman's agreement with their partners. Mr. Pick questioned the Committee's ability to enter into agreements. He stated that the agreement may need to be between the partner and the City and/or Redevelopment Authority. Ms. Mayfield offered to research and report back.

There was a discussion on the demolition of 155 Walnut Street. Mr. Spencer questioned how this property will be reused. Mr. Mayes reported that this property is still owned by the original owner. However a lien for the cost of demolition has been placed on the property. Ms. Mayfield stated that the process to take the property for \$1 is underway. The committee requested monthly updates.

Mr. Pick reported that there are several liens on this property.

Mr. Bealer reported that the demolition of this property has stimulated the owner of the adjoining property to begin rehabilitating his property. However, it was noted that very little rehabilitation has taken place since the demolition. This property will need careful monitoring.

During the discussion on the use of this property for off-street parking, Mr. Bealer stated that the Planning Commission objects to the overuse of vacated lots for off-street parking due to the fact that off-street parking spaces create the need for driveways to be cut into curbs, which eliminates curbside parking spaces.

Ms. Mayfield noted the need for the Committee to be prepared to demolish 118 West Elm. She stressed the need for the Committee to remain focused and positive when dealing with this property.

Updates

Inclusion of ADD, OCR, Garden Properties, etc.

Mr. Bealer reported that he is working to incorporate ADD, OCR, etc onto the blighted property map.

Grants

Mr. Mayes reported that Council is considering a CDBG amendment that will provide approximately \$170,000 for the Blighted Property Review Committee.

Codes

Mr. Bealer reported that he will be having monthly meetings with Mr. Mayes and Mr. Wright about the target properties and other issues.

Other Business

Ms. Kelleher reported that the seventh member of the Committee is about to be appointed.

Mr. Luckey moved, seconded by Mr. Olsen, to adjourn the meeting.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

FOLLOW-UP ISSUES

- Review Hearing Procedures, be prepared to discuss and approve at May meeting
- Update on Target Properties
 - Letter of Determination to 530-532 Penn Street
 - Progress report on rehab of 155 Walnut
- Ability of the BPRC to enter into partnership agreements (M. Mayfield)
- Committee reports



CITY OF READING,
PENNSYLVANIA

Blighted Property Review Committee Hearing Procedures

A. Notice of Hearings. Notice of all hearings of the Board shall be given in accordance with the manner stipulated in the Blighted Property Review Committee bylaws.

(1) **Posting.** Written notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

(2) **Notification Requirements.** The Board shall give public notice of all matters to be heard at any given meeting and shall give written notice to the owner, appellant, Mayor, Council, to the governing body of any municipality located within 500 feet of the property at issue, and to all other interested parties who have registered their names and addresses with the Board, and may give notice to the occupant of every lot within 200 feet of the lot in question. The notices herein required shall state the location of the building or lot, the general nature of the question involved and the time and place of the hearing.

B. Fees and Costs. The Blighted Property Review Committee shall, prior to the first hearing, determine the appropriate fee to be paid by applicants and request Council amend the City of Reading Fee Schedule to establish said fee. The fee assessed will be directly proportional to the estimated costs of conducting a hearing.

C. Time Constraints. The hearing shall be held within 45 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

D. Persons Entitled to Present Appeals before the Board. An appeal of a certification of blight must be submitted before the Blighted Property Review Committee by one or more of the following persons:

- (1) The property owner.
- (2) A party with equitable interest in the property.
- (3) An attorney licensed to practice in the Commonwealth of Pennsylvania.
- (4) A properly executed power of attorney.

E. Parties. The parties to the hearing shall be the applicant(s), the City and any person affected by the application. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

F. Oaths and Subpoenas. The chairman or acting chairman of the Board presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. Representation by Counsel. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witness on all relevant issues.

H. Conduct of Hearings. The Chair or their designee shall conduct all hearings of the Blighted Property Review Committee. In all cases the decision shall be made by the Committee.

(1) Hearings shall be run according to commonly accepted procedures and may only deviate upon agreement of the Committee and consent of the Solicitor.

I. Evidence. Formal rules of evidence shall not apply; evidence may be accepted upon the determination of its relevance by the Chair in consultation with the Solicitor.

J. Record.

(1) The Committee shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be calculated as part of fee paid by the applicant.

(2) The cost of the original transcript and one copy shall be paid by application fee. The cost of additional copies will be the responsibility of the party, either Committee or person appealing, and shall be paid by the party requesting such copy or copies.

K. Ex Parte Communications.

(1) The Committee shall not communicate, directly or indirectly, with any party or its representative in connection with any issues involved, except upon notice and opportunity for all parties to participate.

(2) The Committee shall not take notice of any communication, reports, staff memoranda or other materials (except advice from its solicitor), unless the parties are afforded an opportunity to contest the material so noticed.

(3) After the commencement of hearings, the Committee shall not inspect the site or its surroundings with any party or its representative, unless all parties are given an opportunity to be present.

L. Conflicts of Interest. No member of the Committee shall vote upon or participate in deliberations concerning any application for which the member has a conflict of interest. Grounds for disqualification on an individual appeal include, but are not restricted to, the following:

(1) Direct or indirect financial or property interest.

(2) Direct business association with one of the parties involved.

(3) A close familial relationship with one of the parties involved.

(4) An overt expression or affiliation with an organization whose ideology expresses a predisposition toward the parties or the intent of the parties involved.

M. Decision/Findings.

(1). The Committee shall render a written decision on the application, within 45 days after the last hearing before the Board.

(2). Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.

(3). Conclusion based on provisions of other documents, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

(4). Where the Committee fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

N. Notice of Decision.

(1). A copy of the final decision shall be delivered to the applicant personally or mailed to him or her no later than one working day following its date.

(2). The Committee shall provide (by mail or otherwise) a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined to all other persons who have filed their names and addresses with the Board.

O. Effect of Board's Decision.

(1). If a property, as a result of the hearing, is certified as blighted by decision of the Committee, said property is to be placed in trust and managed by the City of Reading on the Committee's behalf, until such time as the property can be conveyed to the Reading Redevelopment Authority.

P. Appeals.

(1). All appeals of any decision, determination or order of this Committee issued pursuant to these bylaws, shall be raised directly in the Berks County Court of Common Pleas and must be filed no later than 30 days from the date of receipt of the Committee's notice.